

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEN COOPER,

Plaintiff,

v.

KATHLEEN ALLISON, et al.,

Defendants.

Case No. 20-09415 BLF (PR)

**ORDER GRANTING DEFENDANT
KELSO'S MOTION FOR
ADMINISTRATIVE RELIEF
SEEKING CLARIFICATION ON
PLEADING DEADLINES; SETTING
BRIEFING SCHEDULE**

(Docket No. 31)

Plaintiff, a state inmate filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983 against personnel at the California Department of Corrections and Rehabilitation (CDCR) and San Quentin State Prison, where he was formerly housed. Dkt. No. 1. On June 14, 2021, the Court found the complaint, liberally construed, stated cognizable claims, and ordered the matter served on Defendants. Dkt. No. 16. Defendants were directed to file a dispositive motion or notice regarding such motion. *Id.* On July 15, 2021, Defendants Pachynski, Escobell, Diaz, Borders, Bick, Allison, Broomfield, Davis, and Cryer returned the waiver of service. Dkt. No. 22. These Defendants then filed a motion for an extension of time to file a summary judgment motion, Dkt. No. 28, which the Court granted on September 7, 2021. Dkt. No. 30.

On August 12, 2021, Defendant Clark Kelso returned the waiver of service. Dkt.

1 No. 25. On September 7, 2021, Defendant Kelso filed an administrative motion seeking
2 clarification on the court order granting Defendants an extension of time. Dkt. No. 31.
3 Specifically, Defendant Kelso asks whether the court order granting an extension of time
4 contemplated all defendants, and whether he may file a motion to dismiss (not just a
5 motion for summary judgment) to the complaint. *Id.* The motion for clarification is
6 GRANTED.

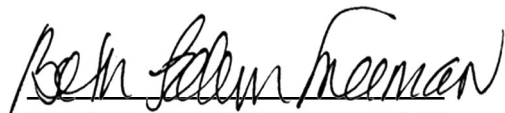
7 As to the first point of clarification, the Court intended the extension of time to
8 apply only to the moving Defendants, as named above. *See supra* at 1. With respect to the
9 second point, the Court's Order of Service stated that Defendants "shall file a motion or
10 summary judgment *or other dispositive motion.*" Dkt. No. 16 at 4 (emphasis added).
11 Accordingly, for good cause shown, the Court is inclined to grant Defendant Kelso's
12 motion for an extension of time. However, the Court notes Defendant Kelso already filed
13 a motion to dismiss on September 13, 2021. Dkt. No. 34. Therefore, the motion for an
14 extension of time is moot.

15 Briefing on Defendant Kelso's motion to dismiss shall proceed as follows.
16 Plaintiff's opposition to Defendants' motion shall be filed **no later than twenty-eight (28)**
17 **days** from the date this order is filed. Defendants shall file a reply brief no later than
18 **fourteen (14) days** after Plaintiff's opposition is filed.

19 This order terminates Docket No. 31.

20 **IT IS SO ORDERED**

21 Dated: September 17, 2021


BETH LABSON FREEMAN
United States District Judge